IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13598 & 13599 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL JIGNESHKUMAR RASIKLAL

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

1. Special Civil Application No. 13598 & 13599 of 2003
MR PS PATEL for Petitioner No. 1
Mr.A.D.Oza,GP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 16/09/2003

ORAL(COMMON)JUDGEMENT

Rule. Mr.A.D.Oza, Ld.GP waives service of rule on behalf of respondents. With the consent of Ld.counsel

for parties matters are taken up for final hearing.

2. Having heard Ld.counsel for parties, there is consensus that these petitions are covered by the decision, dated 25.8.03 of this court in SCA No.12235/03 (Zaranben vs State of Gujarat) and therefore no detailed reasons are required to be recorded.

3. In view of the above, following directions are required to be issued:

(A) All those petitioners who have applied prior to 13th July, 2003 and if their cases are similarly situated then 15 marks shall not be deducted while preparing the merit list in view of the decision, dated 13.8.03. of this court in case of Zaranben(supra). However, the authorities shall not be required to comply with these directions in case the judgment of this court in case of Zaranben(supra) is stayed and/or modified and/or reversed by the higher forum known to law and in such circumstances it will be open for the State authorities to give effect accordingly.

(B) If any of the petitioners who have applied late in time, i.e. after 13th July, 2003 or if their applications otherwise are not to be considered eligible in view of other aspects would not be entitled to the benefit of direction No.(A) with a clarification that in the event of rejection of such applications by the authorities, it would be open to such petitioners to challenge the said action in accordance with law and with a further clarification that the admissions, if any, already granted are not to be disturbed.

(C) This order shall not be construed as disturbing the admissions already granted to the students till today and the aforesaid directions shall apply for considering the admissions in future or henceforth.

4. Both these petitions are disposed of in terms of aforesaid directions. Rule in each petition is made absolute to the aforesaid extent. Considering the facts and circumstances, there shall be no costs.

DS permitted.

16.9.03 (JAYANT PATEL,J)